

REMARKS/ARGUMENTS

Claims 1-45 are pending in the present application. No claims were canceled; claims 1, 2, 16, 17, 32-38, and 44 were amended; and no claims were added. The listing of the claims beginning on page 2 of this response replaces all prior versions, and listings, of claims in the application.

Support for these amendments can be found at least in page 11, line 11 to page 12, line 32 of the as-filed specification.

The cited portions of the specification are for the purpose of illustrating examples for these features and not meant to limit the invention to the specific examples presented. Also, support for these features can be found in other portions of the specification as filed. No new matter has been added by these amendments.

Further, with respect to all claim amendments, Applicants are not conceding in this application that the subject matter of the claims prior to the amendments is not patentable over the art cited by the Examiner. The present claim amendments are made only for facilitating expeditious prosecution of the application. Applicants respectfully reserve the right to pursue these and other claims in one or more continuations and/or divisional patent applications.

I. Interview Summary

Applicants thank Examiner Richard Weisberger for the courtesies extended Applicants' representative during the April 9, 2010 telephone interview. During the telephone interview and subsequent telephone conversation, the Examiner indicated that the proposed amendments would overcome the art cited and place the claims in condition for an allowance pending an additional search. The currently presented claims incorporate the proposed amendments discussed in the interview. Accordingly, Applicants respectfully submit that the claims are in condition for allowance. The arguments discussed, as well as additional reasons that the claims are patentable, are set forth in the remarks below.

II. 35 U.S.C. § 112, First Paragraph (Claims 1-45)

The Examiner has rejected claims 1-45 under 35 U.S.C. § 112, first paragraph, as based on a disclosure which is not enabling. Office Action dated January 28, 2010, p. 3. This rejection is respectfully traversed.

In rejecting the claims, the Examiner states:

Claims 1-45 are rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. The algorithm for ranking the bids critical or essential to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976).

See page 12, line 17 of the specification where rule sets are discussed and scores are said to be determined, yet no algorithm is presented.

Claims 1-45 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for a method and system that determines the criteria set forth in the user profile prior to apportioning the presentation resources, it does not reasonably provide enablement for delivering the ad, apportioning the presentation resources, without said data. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to use the invention commensurate in scope with these claims.

Office Action dated January 28, 2010, p. 3.

Applicants respectfully disagree. The specification provides the enablement required by 35 U.S.C. §112, first paragraph. No such algorithm is critical or essential to the practice of the invention. The specification as-filed provides:

The rule sets may be defined to provide preference to various types of commercial information and may be modifiable by the user of the client device **410**. The rule sets may be established such that, for example, percentage discounts for high cost products are ranked higher than dollar amount discounts on lower cost items, free shipping and handling, free accessories, local proximity (near home), time urgency (last sale day) and the like may be used as an adjustment to the basic rank of the incentive, etc. *Based on the rule sets and the commercial information received from the product/service providers 430-460, a score for each product/service provider is calculated. The scores are then compared to determine the highest ranking product/service providers.*

Specification, page 12, lines 14-32

The specification provides examples of how scores are calculated and that scores are compared to determine rankings. The specification provides full, clear, concise and exact terms as to enable one of ordinary skill in the art to make and use the invention. Further, the specification provides several examples of how to make and use the invention.

Therefore, the objection of the specification under 35 U.S.C. § 112, first paragraph has been overcome.

III. 35 U.S.C. § 112, Second Paragraph (Claims 1-45)

The Examiner has rejected claims 1-45 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter, which applicants regard as the invention. Office Action dated January 28, 2010, p. 3. This rejection is respectfully traversed.

In rejecting claims 1-45, the Examiner states:

In the claims, the limitation ranking the bids is vague and indefinite as the bids. It is not clear if the bids for each benefit are ranked or if the bids are ranked across benefit categories. If it is the latter, it not clear how this is achieved.

Office Action dated January 28, 2010, p. 3.

In response, amendments have been made to overcome this rejection. For example, claim 1 recites, in part, “ranking the bids based on *an amount of the monetary benefit offered to the user*” and “*re-ranking* the bids from product/service providers that are *offering a product/service of interest to the user.*” Similar amendments were made to claims 16, 32, and 44. Claims 5-11, 20-26, 31, 34-37, 41, 42, 43, and 45 depend from and inherit the limitations of one of claims 1, 16, 32, and 44. In another example, amendments were have been made to claim 2. Claim 2 recites “filtering out information from product/service providers that are not offering a product/service of interest to the user based on the profile information” and “ranking the information based on the benefit offered to the user and the number of user preferences.” Similar amendments were made to claims 17, and 33. Claims 3, 4, 12-15, 18, 19, 27-30, and 38-40 depend from and inherit the limitations of one of claims 2, 17, and 33.

Therefore the rejection of claims 1-45 under 35 U.S.C. § 112, second paragraph has been overcome.

IV. 35 U.S.C. § 102, Anticipation (Claims 1-5 and 7-15)

The Examiner has rejected claims 1-5 and 7-15 under 35 U.S.C. § 102(b) as being anticipated by Merrimen et al., U.S. Patent Application Publication No. 5948061 (hereinafter “Merrimen”). Office Action dated January 28, 2010, p. 4-6. This rejection is respectfully traversed.

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). All limitations of the claimed invention must be considered when determining patentability. *In re Lowry*, 32 F.3d 1579, 1582, 32 U.S.P.Q.2d 1031, 1034 (Fed. Cir. 1994). Anticipation focuses on whether a claim reads on the product or process a prior art reference discloses, not on what the reference broadly teaches. *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 218 U.S.P.Q. 781 (Fed. Cir. 1983). Because the hallmark of anticipation is prior invention the prior art reference – in order to anticipate under 35 U.S.C. § 102 – must not only disclose all elements of the claim within the four corners of the document, but must also disclose those elements “arranged as in the claim.” *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1543, 1548 (Fed. Cir. 1983). To anticipate a claim, a single prior art reference must expressly or inherently disclose each limitation But disclosure of each element is not quite enough – this court has long held that “[a]nticipation requires the presence in a single prior art disclosure of all elements of a claimed invention arranged as in the claim.” *Finisar Corp. v. DirecTV Group, Inc.*, 523 F.3d 1323, 1334 (Fed. Cir. 2008) (quoting *Connell*, 722 F.2d at 1548).

IVA. Claims 1, 5, and 7-11

Claim 1 has been amended and now recites:

A method of presenting information via a digital device having presentation resources, comprising:

- sending a request for profile information to a user of the digital device;
- receiving profile information directed to products and services of interest to the user;
- receiving bids for the presentation resources of the digital device from a plurality of product/service providers, wherein each bid identifies a monetary benefit, associated with a product/service of a given product/service provider, offered to the user of the digital device;

ranking the bids based on an amount of the monetary benefit offered to the user;

filtering out bids from product/service providers that are not offering a product/service of interest to the user based on the profile information;

responsive to filtering out bids from product/service providers that are not offering a product/service of interest to the user; re-ranking the bids from product/service providers that are offering a product/service of interest to the user to form re-ranked bids;

apportioning the presentation resources of the digital device in accordance with the re-ranked bids; and

presenting information for at least one of the plurality of product/service providers using the apportioned presentation resources.

In rejecting claim 1, the Examiner states:

The reference (columns 1-4) teaches the receipt of advertisements stored in the ad server (col. 4, line 20+) and the examiner interprets the content of the data base (the text of the ads) to reads on the bid benefit claimed and thus the reference teaches of receiving bids for the presentation resources of the digital device from a plurality of product/service providers, wherein each bid identifies a benefit (, associated with a product/service of a given product/service provider, offered to a user of the digital device;

the reference also teaches of selecting an ad via a matching algorithm and thus reads on ranking the bids based on the benefit offered to the user (col. 1, line 52); the reference teaches of positioning the ad (col. 1) on the views web page and thus apportioning the presentation resources of the digital device in accordance with the ranking of the bids; and presenting information for at least one of the plurality of product/service providers using the apportioned presentation resources.

Office Action dated January 28, 2010, p. 4.

However, *Merriman* does not teach at least the following four features as recited in the overall combination of claim 2:

- 1) sending a request for profile information to a user of the digital device;
- 2) receiving profile information directed to products and services of interest to the user;
- 3) filtering out bids from product/service providers that are not offering a product/service of interest to the user based on the profile information; and
- 4) responsive to filtering out bids from product/service providers that are not offering a product/service of interest to the user; re-ranking the bids from product/service providers that are offering a product/service of interest to the user to form re-ranked bids.

Merriman is silent with regard to these four features as recited in the overall combination of claim 1. Because these features of claim 1 are not taught by the cited reference, claim 1 is not

anticipated by *Merriman*. Additionally, during the telephone interview the Examiner indicated that the combination of features recited in proposed amendments to claim 1 would overcome the anticipation rejection of claim 1.

Since dependent claims 5 and 7-11 depend from and further restrict independent claim 1, the same distinctions between *Merriman* and the claimed invention in claim 1 exist for dependent claims 5 and 7-11. Accordingly, claims 5 and 7-11 are not anticipated by *Merriman* at least by virtue of their dependency.

Therefore, the rejection of claims 1, 5 and 7-11 under 35 U.S.C. § 102(b) has been overcome.

IVB. Claims 2-4, and 12-15

Claim 2 has been amended and now recites:

A method of presenting information via a digital device, comprising:
 sending a request for profile information to a user of the digital device;
 receiving profile information directed to products and services of interest to the user and a number of user preferences regarding the products and services of interest to the user, wherein the number of user preferences comprise a proximity preference for a provider of the products and services to a location of the user and a type of discount preference;
 transmitting a request for information from at least one product/service provider;
 filtering out information from product/service providers that are not offering a product/service of interest to the user based on the profile information;
 receiving the information from the at least one product/service provider, the information identifying a benefit, associated with a product/service of the at least one product/service provider, offered to the user of the digital device;
 ranking the information based on the benefit offered to the user and the number of user preferences; and
 presenting the information via the digital device in accordance with the ranking of the information such that higher ranking information is presented more prominently than lower ranking information.

In rejecting claim 2, the Examiner states:

As for claim 2, the reference teaches of a using information stored on a cookie in the user's device and thus teaches of transmitting a request for information from at least one product/service provider. The reference teaches of matching the appropriate ad to the information with the cookie and this inherently teaches of filtering out unwanted information from product/service providers (the non-selected wanted ads);

As discussed in the claims directed to claim 1, and those dependent thereon, the reference teaches of receiving the information from the at least one product/service provider, the information identifying a benefit, associated with a product/service of the at least one product/service provider, offered to a user of the digital device; ranking the information based on the benefit offered to the user; and presenting the information via the digital device in accordance with the ranking of the information such that higher ranking information is presented more prominently than lower ranking information.

The reference teaches of using the information on the user's cookie and thus teaches the method of claim 2, wherein filtering out unwanted information from product/service providers includes determining if the information from the product/service providers meets criteria in a user profile.

The examiner contends that the information in the cookie reads on the method of claim 2, wherein filtering out unwanted information from product/service providers includes receiving a user selection of unwanted product/service provider groups.

Office Action dated January 28, 2010, pp. 5-6.

However, *Merriman* does not teach at least the following five features as recited in the overall combination of claim 1:

- 1) sending a request for profile information to a user of the digital device;
- 2) receiving profile information directed to products and services of interest to the user and a number of user preferences regarding the products and services of interest to the user, wherein the number of user preferences comprise a proximity preference for a provider of the products and services to a location of the user and a type of discount preference;
- 3) filtering out information from product/service providers that are not offering a product/service of interest to the user based on the profile information;
- 4) ranking the information based on the benefit offered to the user and the number of user preferences; and
- 5) presenting the information via the digital device in accordance with the ranking of the information such that higher ranking information is presented more prominently than lower ranking information.

Merriman is silent with regard to these five features as recited in the overall combination of claim 2. Because these features of claim 2 are not taught by the cited reference, claim 2 is not anticipated by *Merriman*. Additionally, during the telephone interview the Examiner indicated

that the combination of features recited in proposed amendments to claim 2 would overcome the anticipation rejection of claim 2.

Since dependent claims 3, 4, and 12-15 depend from and further restrict independent claim 2, the same distinctions between *Merriman* and the claimed invention in claim 2 exist for dependent claims 3, 4, and 12-15. Accordingly, claims 3, 4, and 12-15 are not anticipated by *Merriman* at least by virtue of their dependency.

Therefore, the rejection of claims 2-4 and 12-15 under 35 U.S.C. § 102(b) has been overcome.

V. 35 U.S.C. § 103, Obviousness (Claims 6 and 16-45)

The Examiner has rejected claims 6 and 16-45 under 35 U.S.C. § 103 as being unpatentable over *Merriman*. Office Action dated January 28, 2010, p. 7. This rejection is respectfully traversed.

The Examiner bears the burden of establishing a *prima facie* case of obviousness based on prior art when rejecting claims under 35 U.S.C. § 103. *In re Fritch*, 972 F.2d 1260, 23 U.S.P.Q.2d 1780 (Fed. Cir. 1992). The prior art reference (or references when combined) must teach or suggest all the claim limitations. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (C.C.P.A. 1974). In determining obviousness, the scope and content of the prior art are... determined; differences between the prior art and the claims at issue are... ascertained; and the level of ordinary skill in the pertinent art resolved. *Graham v. John Deere Co.*, 383 U.S. 1 (1966). Against this background the obviousness or non-obviousness of the subject matter is determined. *Id.* “Often, it will be necessary for a court to look to interrelated teachings of multiple patents; the effects of demands known to the design community or present in the marketplace; and the background knowledge possessed by a person having ordinary skill in the art, all in order to determine whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue.” *KSR Int’l. Co. v. Teleflex, Inc.*, 550 U.S. 398, 127 S. Ct. 1727, 1740–41 (2007). “*Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.*” *Id.* (citing *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006)).

VA. Claims 16, 20-26, 31, 32, 34-37, 42, and 43

Claim 32 has been amended and now recites:

A computer program product in a computer readable storage medium for presenting information via a digital device having presentation resources, the computer program product comprising:

- instructions for sending a request for profile information to a user of the digital device;
- instructions for receiving profile information directed to products and services of interest to the user;
- instructions for receiving bids for the presentation resources of the digital device from a plurality of product/service providers, wherein each bid identifies an monetary benefit, associated with a product/service of the a given product/service provider, offered to the user of the digital device;
- instructions for ranking the bids based on an amount of the monetary benefit offered to the user;
- instructions for filtering out bids from product/service providers that are not offering a product/service of interest to the user based on the profile information;
- instructions for re-ranking the bids from product/service providers that are offering a product/service of interest to the user to form re-ranked bids in response to filtering out bids from product/service providers that are not offering a product/service of interest to the user;
- instructions for apportioning the presentation resources of the digital device in accordance with the re-ranked bids; and
- instructions for presenting information for at least one of the plurality of product/service providers using the apportioned presentation resources.

In rejecting claim 32, the Examiner states:

As to claims 16-45, as these claims correspond to the apparatus and computer readable medium of the method claims, it would have been obvious for one skilled in the art at the time to have built the apparatus and recorded the computer readable medium as motivated by the need to apply the invention.

Office Action dated January 28, 2010, p. 7.

However, *Merriman* does not teach or suggest at least the following four features as recited in the overall combination of claim 32:

- 1) instructions for sending a request for profile information to a user of the digital device;
- 2) instructions for receiving profile information directed to products and services of interest to the user;
- 3) instructions for filtering out bids from product/service providers that are not offering a product/service of interest to the user based on the profile information; and

- 4) instructions for re-ranking the bids from product/service providers that are offering a product/service of interest to the user to form re-ranked bids in response to filtering out bids from product/service providers that are not offering a product/service of interest to the user.

As discussed, *Merriman* is silent with regard to these four features as recited in the overall combination of claim 32. Because these features of claim 32 are not taught or suggested by the cited reference, claim 32 is not obvious in view of *Merriman*. Additionally, during the telephone interview the Examiner indicated that a combination of features similar to the ones presented in claim 32 would overcome the obviousness rejection of claim 32.

Similar limitations and features are recited in independent claim 16, and the same arguments with respect to claim 32 apply to claim 16 as well. For at least the reasons discussed above with respect to claim 32, claim 16 is also not obvious in view of the cited reference. Since dependent claims 20-26, 31, 34-37, 42, and 43 depend from and further restrict one of independent claims 16 and 32, the same distinctions between *Merriman* and the claimed invention in claims 16 and 32 exist for dependent claims 20-26, 31, 34-37, 42, and 43. Accordingly, claims 20-26, 31, 34-37, 42, and 43 are not obvious in view of the cited reference at least by virtue of their dependency. Additionally, claims 20-26, 31, 34-37, 42, and 43 claim additional combinations of features not disclosed by the reference.

For example, claim 43 recites “[t]he computer program product of claim 32, wherein higher ranking bids are apportioned more presentation resources than lower ranking bids.” These features are not taught or suggested by the cited references. Similar features and limitations are recited in claim 42. Accordingly claims 42 and 43 are not obvious in view of the cited reference in their own right, as well as by virtue of their dependency.

Therefore, the rejection of claims 16, 20-26, 31, 32, 34-37, 42, and 43 under 35 U.S.C. § 103(a) has been overcome.

VB. Claims 17-19, 27-30, 33, 38-40

Claim 33 has been amended and now recites:

A computer program product in a computer readable storage medium for presenting information via a digital device, the computer program product comprising:

instructions for sending a request for profile information to a user of the digital device;

instructions for receiving profile information directed to products and services of interest to the user and a number of user preferences regarding the products and services of interest to the user, wherein the number of user preferences comprise a proximity preference for a provider of the products and services to a location of the user and a type of discount preference;

instructions for transmitting a request for information from at least one product/service provider;

instructions for filtering out information from product/service providers that are not offering a product/service of interest to the user based on the profile information;

instructions for receiving information from at least one product/service provider, the information identifying an benefit, associated with a product/service of the at least one product/service provider, offered to the user of the digital device;

instructions for ranking the information based on the benefit offered to the user and the number of user preferences; and

instructions for presenting the information via the digital device in accordance with the ranking of the information such that higher ranking information is presented more prominently than lower ranking information.

In rejecting claim 33, the Examiner states:

As to claims 16-45, as these claims correspond to the apparatus and computer readable medium of the method claims, it would have been obvious for one skilled in the art at the time to have built the apparatus and recorded the computer readable medium as motivated by the need to apply the invention.

Office Action dated January 28, 2010, p. 7.

However, *Merriman* does not teach or suggest at least the following five features as recited in the overall combination of claim 33:

- 1) instructions for sending a request for profile information to a user of the digital device;
- 2) instructions for receiving profile information directed to products and services of interest to the user and a number of user preferences regarding the products and services of interest to the user, wherein the number of user preferences comprise a proximity preference for a provider of the products and services to a location of the user and a type of discount preference;
- 3) instructions for filtering out information from product/service providers that are not offering a product/service of interest to the user based on the profile information;

- 4) instructions for ranking the information based on the benefit offered to the user and the number of user preferences; and
- 5) instructions for presenting the information via the digital device in accordance with the ranking of the information such that higher ranking information is presented more prominently than lower ranking information.

As discussed, *Merriman* is silent with regard to these five features as recited in the overall combination of claim 33. Because these features of claim 33 are not taught or suggested by the cited reference, claim 33 is not obvious in view of by *Merriman*. Additionally, during the telephone interview the Examiner indicated that a combination of features similar to the ones presented in claim 33 would overcome the obviousness rejection of claim 33.

Similar limitations and features are recited in independent claim 17, and the same arguments with respect to claim 33 apply to claim 17 as well. For at least the reasons discussed above with respect to claim 33, claim 17 is also not obvious in view of the cited reference. Since dependent claims 18, 19, 27-30, 38-40 depend from and further restrict one of independent claims 17 and 33, the same distinctions between *Merriman* and the claimed invention in claims 17 and 33 exist for dependent claims 18, 19, 27-30, 38-40. Accordingly, claims 18, 19, 27-30, 38-40 are not obvious in view of the cited reference at least by virtue of their dependency.

Therefore, the rejection of claims 17-19, 27-30, 33, 38-40 under 35 U.S.C. § 103(a) has been overcome.

VC. Claims 44 and 45

In rejecting claim 44, the Examiner states:

As to claims 16-45, as these claims correspond to the apparatus and computer readable medium of the method claims, it would have been obvious for one skilled in the art at the time to have built the apparatus and recorded the computer readable medium as motivated by the need to apply the invention.

Office Action dated January 28, 2010, p. 7.

Claim 44 is an independent method claim and recites:

A method of presenting information via a digital device having presentation resources, comprising:

- sending a request for profile information to a user of the digital device;
- receiving profile information directed to products and services of interest to the user;

receiving information from at least one product/service provider, the information identifying a monetary benefit, associated with a product/service of the at least one product/service provider, offered to the user of the digital device;

ranking the information based on an amount of the monetary benefit offered to the user;

filtering out information from product/service providers that are not offering a product/service of interest to the user based on the profile information;

responsive to filtering out information from product/service providers that are not offering a product/service of interest to the user, re-ranking the information from product/service providers that are offering a product/service of interest to the user to form re-ranked information;

apportioning an amount of the presentation resources of the digital device in accordance with the re-ranked information such that higher ranking information is apportioned more presentation resources than lower ranking information; and

presenting the information for the at least one of the plurality of product/service providers using the apportioned presentation resources.

Merriman does not teach or suggest at least the following five features as recited in the overall combination of claim 44:

- 1) sending a request for profile information to a user of the digital device;
- 2) receiving profile information directed to products and services of interest to the user;
- 3) filtering out information from product/service providers that are not offering a product/service of interest to the user based on the profile information;
- 4) responsive to filtering out information from product/service providers that are not offering a product/service of interest to the user; re-ranking the information from product/service providers that are offering a product/service of interest to the user to form re-ranked information;
- 5) apportioning an amount of the presentation resources of the digital device in accordance with the re-ranked information such that higher ranking information is apportioned more presentation resources than lower ranking information.

As discussed, *Merriman* is silent with regard to these five features as recited in the overall combination of claim 44. Because these features of claim 44 are not taught or suggested by the cited reference, claim 44 is not obvious in view of *Merriman*. Additionally, during the telephone interview the Examiner indicated that a combination of features similar to the ones presented in claim 44 would overcome the obviousness rejection of claim 44. Since dependent claim 45 depends from and further restricts independent claim 44, the same distinctions between

Merriman and the claimed invention in claim 44 exists for dependent claim 45. Accordingly, claim 45 is not obvious in view of the cited reference at least by virtue of its dependency.

Therefore, the rejection of claims 44 and 45 under 35 U.S.C. § 103(a) has been overcome.

VD. Claims 6 and 41

All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Since claims 6 and 41 depend from and further restrict independent claim 1, the same distinctions between *Merriman* and the claimed invention in claim 1 exist for dependent claims 6 and 41. Accordingly, claims 6 and 41 are not obvious at least by virtue of their dependency. Additionally, claims 6 and 41 claim additional combinations of features not disclosed by the reference.

For example, claim 41 recites "[t]he method of claim 1, wherein higher ranking bids are apportioned more presentation resources than lower ranking bids." These features are not taught or suggested by the cited references. Accordingly claim 41 is not obvious in view of the cited reference in its own right, as well as by virtue of its dependency.

Therefore, the rejection of claims 6 and 41 under 35 U.S.C. § 103(a) has been overcome.

VI. Conclusion

It is respectfully urged that the subject application is patentable over the cited references and is now in condition for allowance.

The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: April 21, 2010

Respectfully submitted,

/James O. Skarsten/

James O. Skarsten
Reg. No. 28,346
Yee & Associates, P.C.
P.O. Box 802333
Dallas, TX 75380
(972) 385-8777
Attorney for Applicants

JOS/jll